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To

Major C.T.C.Plowden, I.A.,
First Assistant to the Hon'ble
the Resident in Mysore, Bangalore.

Dear Major Plowden,

I am desired to acknowledge the receipt of your confidential and demi-official letter No.C.820/337 dated the 9th December inviting reference to the publication in the "Hilal" of a speech delivered by Mr.Yaqub - - - Hussain of Madras at a meeting held in the premises of the National High School, Dickinson Road, Civil and Military Station, Bangalore.

2. His Highness' Government note that Mr. Barton considers that the failure to institute proceedings under the Mysore Newspapers Regulation or the Penal Code against the paper for the publication of the proceedings of a highly seditious meeting held within the limits of the Civil and Military Station is likely to render the Durbar's attitude towards such movements liable to misconstruction and "that people might in fact be almost excused if they thought that it was not entirely neutral."

3. The Durbar have carefully considered ~~as to~~ their policy in regard to the non-co-operation movement and are glad of the opportunity afforded by your letter to explain their position in ~~regard to~~ this matter. They feel that in ~~receipt~~ dealing with of reports in the press of (the Speeches made by) activities of the non-co-operationists in British India or in places under British Indian jurisdiction such as the Civil and Military

Station, Bangalore, they have no (other) alternative but to fall in line with the policy of the Government of India. This policy was lately enunciated in the communique issued by the Government of India, dated the 6th November, and communicated to the Durbar with your letter No.9836 dated the 10th November 1920 and also published in the Mysore Gazette dated the 25th November 1920. As you are aware, the Government of India have, according to the communique, issued - - - instructions to local Governments "to take action against those persons only who in furtherance of the movement, have gone beyond the limits - - - originally set by its organisers and have by speech or writing openly incited the public to violence or have attempted to tamper with the loyalty of the army or of the police." Among the considerations which have influenced the Government of India to so largely restrict action against the promotors of the movement is, - - - according to the communique, "their reluctance to interfere with the liberty of speech and the freedom of the press", and it is stated, - - - further, that although some of the newspapers which have given publicity to the activities of the movement were only lately relieved from the restrictions of the Press Act, the Government of India are loth to reimpose restrictions on them at the present time. In the face of this open and widely published declaration of the Government of India announcing their present policy in regard to the proceedings of the non-co-operationists and the publication of their activities in the press in British India, the Durbar feel it impossible for them to (adopt

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any other attitude against newspaper reports published in the State of proceedings in British India or in places under British Indian jurisdiction.

4. The Durbar are fully aware of the mischievous character of such reports in unsettling the minds of the more ignorant of the Mohamedan population of the State and would be glad to avail themselves of any remedy likely to prevent the circulation of news in the State of the proceedings of non-co-operationists in British - - - India. They find, however, that short of an absolute interdiction of all newspaper circulation in the State, which ~~of course~~ is obviously impracticable it is impossible to prevent the spread of news of the activities and of the speeches of the leaders of this movement in British India. For, as the Hon'ble the Resident is doubtless aware, every ~~paper~~ now ~~published in~~ India, no matter what ~~their~~ own attitude regarding the movement may be, publishes full information of the doings of all the agitators who are working under the banner of Non-co-operation.

5. With these general remarks, I am now to proceed to point out the inconveniences and difficulties ~~in~~ putting the provisions of the Mysore Newspaper Regulation III of 1908 into motion in the present case. The speech in - - question was delivered within the jurisdiction of the Civil and Military Station, ~~It~~ was - - - evidently not interdicted beforehand, nor has any action been taken in respect of it under the Indian Penal Code or other law by the authorities of the Station. The statements contained therein are a repetition of what the leaders of

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of the non-co-operation movement have from time to time declared in their public utterances in British India. In these circumstances and - - - especially when the primary act itself (the - - - utterance of the speech) has not been brought under any restrictive or penal provisions of the law in the Civil and Military Station, it would a most awkward position for the Durbar if they create ~~an~~ awkward position for the Durbar if they proceed to take strong measures in respect of a secondary act of newspaper reproduction. The delicacy and difficulty of the Duarbar's position is enhanced by the circumstance that the Mysore Newspaper Regulation provides only one course, and that "the strongest possible" one, and no intermediate or lenient measures. Recourse to the Regulation ~~is~~ would, the Hon'ble the Resident will doubtless agree, ~~best had~~ only be taken in really extreme cases and not in cases having an obvious or plausible line of defence in the preliminary enquiry necessary under C.O.No.Camp.J.26-76/Legis.31-17-1 dated the 22nd April 1918.

6. The Durbar realise that there are other ways of reaching the delinquents and would have been quite willing, for example, to sanction a prosecution under Section 124A of the Indian Penal Code (Section 12 of the Penal Code Amendment Regulation I of 1904) at other times and under different circumstances. But they ~~fear~~ lack that no such prosecution would be ~~validly~~ ~~sustained~~ successfully maintained at present, in view of the circumstances referred to in paragraph 5 above. I am to add that in the event of any action being taken against the speech or its reproduction within the jurisdiction of the Hon'ble the Resident, the Durbar will willingly take ~~similar~~ concurrent

action within the city jurisdiction.

7. Having explained at length the position of the Durbar in this particular case, I am now to invite the kind reference of the Hon'ble the Resident to certain sentences and phrases contained in your letter and referred to paragraph 2 of this letter, to which the Durbar must take the earliest opportunity to take exception. The Durbar regret that in seeking their co-operation in a most delicate matter of vast public importance, such a strong criticism should have been made questioning their attitude. The enclosure to your letter will itself show that the leader of the movement is Mr. Hajee Oosman Sait, a resident of the Civil and Military Station who carries on business there and that the meeting under objection was presided over by the Sir Khazi of Civil and Military Station a dignitary appointed as such by the administration of the Civil and Military Station itself. Further the activities under reference take place in the Civil and Military Station and any residents of the city who take part in them can be quite easily and conveniently dealt with by the authorities there, as these persons are by no means exempt from judicial action taken by the Civil and Military Station authorities.

Lastly, as the Hon'ble the Resident is doubtless aware, the first notable event of this series, namely the public meeting addressed by Messrs. Gandhi and Shaukat Ali was itself held in the Civil and Military Station and not in the jurisdiction of His Highness' Government. In the face of these facts it appears hardly correct or just to accuse the Durbar of harbouring

sedition and seditious persons, merely because a newspaper printed in the State contains reports of events allowed to happen unchallenged (in) the very jurisdiction of the Government criticised.

8 The Durbar would once again point out that in such a case as the one under discussion the proper step (is) to proceed against the principal offence, and if that is taken and the Durbar shows any hesitation to co-operate or interdict publication or dissemination of sedition within the State, then only their attitude may be questioned. It is a bit disconcerting to find that the onus of setting the law in motion against offences committed outside the jurisdiction is now attempted to be thrown over them.

9 In conclusion I am once again to express the assurance of the Durbar that they will not hesitate in taking effective action in respect of events occurring within the State or of local publications of original matter of an objectionable character or of reports which have already been noticed by the British authorities. They hope, however, that the Hon'ble the Resident will see the difficulties in the way of taking such action effectively in cases of the kind now under reference, of which the British Indian authorities themselves apparently consider it unnecessary or impolitic to take any notice actively.

Yours sincerely,

Chief Secretary to Government.